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**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:17-cv-03329-RRM-RLM**

Cox v. Department of Justice et al
Assigned to: Judge Roslynn R. Mauskopf
Referred to: Chief Mag. Judge Roanne L. Mann
Cause: 05:552 Freedom of Information Act

Date Filed: 06/02/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Douglas Cox

represented by **Douglas Craig Cox**
CUNY School of Law
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Long Island City, NY 11101
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ATTORNEY TO BE NOTICED

V.

Defendant

Department of Justice

represented by **Amy Powell**
DOJ/Civil Division
310 New Bern Avenue
Suite 800
Raleigh, NC 27601
919-856-4013
Email: amy.powell@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

Federal Bureau of Investigation (FBI)

represented by **Amy Powell**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Department of Defense

represented by **Amy Powell**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Office of the Director of National Intelligence

represented by **Amy Powell**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Date Filed	#	Docket Text
06/02/2017	<u>1</u>	COMPLAINT against All Defendants filing fee \$ 400, receipt number 0207-9575279 Was the Disclosure Statement on Civil Cover Sheet completed -YES,, filed by Douglas Cox. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons, # <u>4</u> Proposed Summons, # <u>5</u> Proposed Summons, # <u>6</u> Proposed Summons) (Cox, Douglas) (Entered: 06/02/2017)
06/02/2017		Case assigned to Judge Roslynn R. Mauskopf and Chief Mag. Judge Roanne L. Mann. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Bowens, Priscilla) (Entered: 06/07/2017)
06/02/2017	<u>2</u>	Summons Issued as to All Defendants, U.S. Attorney and U.S. Attorney General (Bowens, Priscilla) (Entered: 06/07/2017)
06/07/2017	<u>3</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that if all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Bowens, Priscilla) (Entered: 06/07/2017)
06/07/2017	<u>4</u>	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made, if any. (Bowens, Priscilla) (Entered: 06/07/2017)
07/05/2017	<u>5</u>	SUMMONS Returned Executed by Douglas Cox. Department of Justice served on 6/12/2017, answer due 8/11/2017. (Cox, Douglas) (Entered: 07/05/2017)
07/05/2017	<u>6</u>	SUMMONS Returned Executed by Douglas Cox. Federal Bureau of Investigation (FBI) served on 6/12/2017, answer due 8/11/2017. (Cox, Douglas) (Entered: 07/05/2017)
07/05/2017	<u>7</u>	SUMMONS Returned Executed by Douglas Cox. Department of Defense served on 6/12/2017, answer due 8/11/2017. (Cox, Douglas) (Entered: 07/05/2017)
07/05/2017	<u>8</u>	SUMMONS Returned Executed by Douglas Cox. Office of the Director of National Intelligence served on 6/12/2017, answer due 8/11/2017. (Cox, Douglas) (Entered: 07/05/2017)
07/05/2017	<u>9</u>	SUMMONS Returned Executed by Douglas Cox. Department of State of the United States served on 6/15/2017, answer due 8/14/2017. (Cox, Douglas) (Entered: 07/05/2017)
07/10/2017	<u>10</u>	ANSWER to <u>1</u> Complaint, by All Defendants. (Powell, Amy) (Entered: 07/10/2017)
07/11/2017	<u>11</u>	SCHEDULING ORDER: Initial Conference is set for 8/18/2017 @ 2:30 p.m. in Courtroom 13C South before Chief Mag. Judge Roanne L. Mann. SEE ATTACHED MANDATORY REQUIREMENTS FOR CONFERENCE. ***NOTE: bring the required number of copies of the completed initial conference questionnaire to the conference. Ordered by Chief Mag. Judge Roanne L. Mann on 7/11/2017. (Kelson, Lise) (Entered: 07/11/2017)
07/31/2017	<u>12</u>	AMENDED COMPLAINT against All Defendants, filed by Douglas Cox. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G) (Cox, Douglas) (Entered: 07/31/2017)
08/11/2017	<u>13</u>	Joint MOTION to Continue <i>Initial Conference</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 08/11/2017)
08/11/2017	<u>14</u>	Consent MOTION for Extension of Time to File Answer re <u>12</u> Amended Complaint by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 08/11/2017)

08/11/2017		ELECTRONIC ORDER granting 13 Motion to Continue. The August 18th initial conference is adjourned sine die. A joint status report is due by September 8, 2017. Ordered by Chief Mag. Judge Roanne L. Mann on 8/11/2017. (Kelson, Lise) Modified on 8/11/2017 added full ruling text(Kelson, Lise). (Entered: 08/11/2017)
08/11/2017		ELECTRONIC ORDER granting 14 Motion for Extension of Time to Answer All Defendants. Ordered by Chief Mag. Judge Roanne L. Mann on 8/11/2017. (Kelson, Lise) (Entered: 08/11/2017)
08/18/2017	15	ANSWER to 12 Amended Complaint by All Defendants. (Powell, Amy) (Entered: 08/18/2017)
09/06/2017	16	NOTICE of Change of Address by Amy Powell (Powell, Amy) (Entered: 09/06/2017)
09/08/2017	17	STATUS REPORT , <i>filed jointly</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence (Powell, Amy) (Entered: 09/08/2017)
09/11/2017		ORDER re 17 . The State Department will file a report by October 6, 2017 , estimating the total time for processing plaintiff's FDIA request. A joint status report and proposal schedule for further proceedings is due by January 12, 2018 . Ordered by Chief Mag. Judge Roanne L. Mann on 9/11/2017. (Godoy-Dalmau, Gabriel) (Entered: 09/11/2017)
10/06/2017	18	STATUS REPORT , <i>filed jointly</i> by Department of State of the United States (Powell, Amy) (Entered: 10/06/2017)
10/10/2017		ELECTRONIC SCHEDULING ORDER: re 18 Status Report filed by Department of State of the United States. The Court adheres to its deadline of January 18, 2018, for the filing of a joint updated status report and proposed schedule for further proceedings. Ordered by Chief Mag. Judge Roanne L. Mann on 10/10/2017. (Kelson, Lise) (Entered: 10/10/2017)
12/18/2017	19	Consent MOTION for Extension of Time to File <i>Status Report and Complete Processing of Responsive Documents Subject to FOIA</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 12/18/2017)
12/18/2017		ELECTRONIC ORDER granting 19 Motion for Extension of Time to File. The defense request to extend the existing deadlines is granted, on consent. The joint status report (with a proposed schedule for further proceedings) is now due by April 6, 2018. Ordered by Chief Mag. Judge Roanne L. Mann on 12/18/2017. (Proujansky, Josh) (Entered: 12/18/2017)
04/06/2018	20	STATUS REPORT <i>filed jointly by the plaintiff and defendants</i> by Douglas Cox (Cox, Douglas) (Entered: 04/06/2018)
04/06/2018		ELECTRONIC STATUS REPORT ORDER. A further updated joint status report is due by May 11, 2018. Ordered by Chief Mag. Judge Roanne L. Mann on 4/6/2018. (Kelson, Lise) (Entered: 04/06/2018)
05/11/2018	21	STATUS REPORT <i>filed jointly by the plaintiff and defendants</i> by Douglas Cox (Cox, Douglas) (Entered: 05/11/2018)
05/14/2018		STATUS REPORT ORDER. A further updated joint Status Report is due by 6/12/2018. Ordered by Chief Mag. Judge Roanne L. Mann on 5/14/2018. (Kelson, Lise) (Entered: 05/14/2018)
06/12/2018	22	STATUS REPORT <i>filed jointly by the plaintiff and defendants</i> by Douglas Cox (Cox, Douglas) (Entered: 06/12/2018)
07/13/2018	23	STATUS REPORT <i>filed jointly by the plaintiff and defendants</i> by Douglas Cox (Cox, Douglas) (Entered: 07/13/2018)
07/16/2018	24	Minute Entry for proceedings held before Chief Mag. Judge Roanne L. Mann: Telephone Conference held on 7/16/2018. In response to the parties' joint status report of July 13, (DE #23), the Court conducts a telephone conference regarding plaintiff's desire to amend his complaint. See attached Minute Entry . (Kelson, Lise) (Entered: 07/16/2018)
08/03/2018	25	STATUS REPORT , <i>jointly filed</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence (Powell, Amy) (Entered: 08/03/2018)

08/07/2018	26	AMENDED COMPLAINT <i>Second</i> against All Defendants, filed by Douglas Cox. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H) (Cox, Douglas) (Entered: 08/07/2018)
08/07/2018	27	STATUS REPORT <i>filed jointly by the plaintiff and defendants</i> by Douglas Cox (Cox, Douglas) Modified on 8/8/2018 (Kelson, Lise). (Entered: 08/07/2018)
08/08/2018		ORDER granting 27 Motion for Extension of Time to Answer. All Defendants. Defendants' answer to the Amended Complaint is due by September 7, 2018. By September 21, 2018, the parties shall file a joint proposed schedule (docketed as a motion event into the ECF court file). Ordered by Chief Mag. Judge Roanne L. Mann on 8/8/2018. (Kelson, Lise) Modified on 8/8/2018 (Kelson, Lise). (Entered: 08/08/2018)
09/07/2018	28	ANSWER to 26 Amended Complaint by All Defendants. (Powell, Amy) (Entered: 09/07/2018)
09/21/2018	29	STATUS REPORT <i>filed jointly by the parties</i> by Douglas Cox (Cox, Douglas) (Entered: 09/21/2018)
09/24/2018		STATUS REPORT ORDER: the parties shall file, by October 19, 2018, a joint status report with a proposed schedule for dispositive motions. Ordered by Chief Mag. Judge Roanne L. Mann on 9/24/2018. (Proujansky, Josh) (Entered: 09/24/2018)
10/19/2018	30	STATUS REPORT , <i>jointly filed</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence (Powell, Amy) (Entered: 10/19/2018)
10/22/2018		ORDER, This Court is without authority to waive Judge Mauskopf's requirement that a motion for summary judgment be preceded by a request for a pre-motion conference. Therefore, absent a contrary order from Judge Mauskopf, defendants' request for a pre-motion conference before the District Court is due by November 7, 2018. Ordered by Chief Mag. Judge Roanne L. Mann on 10/22/2018. (Kelson, Lise) (Entered: 10/22/2018)
11/07/2018	31	MOTION for pre motion conference by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 11/07/2018)
11/08/2018		ORDER: By November 22, 2018, plaintiff shall file a letter with the Court, not to exceed three pages, setting forth the legal and factual bases on which plaintiff intends to rely to oppose defendants' proposed motion for summary judgment. Upon receipt of this filing, the Court will further advise the parties as to whether a pre-motion conference is required. Ordered by Judge Roslynn R. Mauskopf on 11/8/2018. (Pettig, Bruce) (Entered: 11/08/2018)
11/12/2018	32	RESPONSE to Motion re 31 MOTION for pre motion conference filed by Douglas Cox. (Cox, Douglas) (Entered: 11/12/2018)
12/26/2018	33	Consent MOTION to Stay <i>Pre-Motion Conference and/or Briefing</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 12/26/2018)
01/04/2019		ORDER re: 31 Motion for Pre Motion Conference; granting 33 Motion to Stay: The Court's grants the government's request to stay any pre-motion conference and briefing schedule during the lapse in appropriations. Counsel for the government shall notify the Court as soon as Congress has appropriated all necessary funds, and shall also confer with plaintiff's counsel to propose a new briefing schedule for any motions. Ordered by Judge Roslynn R. Mauskopf on 1/4/2019. (Mauskopf, Roslynn) (Entered: 01/04/2019)
01/28/2019	34	NOTICE by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence <i>of Restoration of Appropriations</i> (Powell, Amy) (Entered: 01/28/2019)
02/01/2019	35	STATUS REPORT <i>Proposing New Briefing Schedule</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence (Powell, Amy) (Entered: 02/01/2019)
03/15/2019	36	Consent MOTION for Extension of Time to File <i>For Summary Judgment, and to Set a Briefing Schedule</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 03/15/2019)

03/21/2019		ORDER granting 36 Motion for Extension of Time to File. The parties' joint proposed schedule is so-ordered. Ordered by Chief Mag. Judge Roanne L. Mann on 3/21/2019. (Kelson, Lise) (Entered: 03/21/2019)
04/16/2019	37	Consent MOTION for Leave to File Excess Pages <i>in Support of Dispositive Motion</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 04/16/2019)
04/17/2019		ORDER: Defendants' motion for leave to file excess pages, on consent (37), is granted. Ordered by Judge Roslynn R. Mauskopf on 4/17/2019. (Pettig, Bruce) (Entered: 04/17/2019)
04/19/2019	38	MOTION for Summary Judgment <i>and to Dismiss</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Attachments: # 1 Memorandum in Support, # 2 Declaration of Antoinette B. Shiner (CIA), # 3 Declaration of Vanessa R. Brinkmann (DOJ), # 4 Declaration of David M. Hardy (FBI), # 5 Declaration of Deirdre Walsh (ODNI), # 6 Declaration of Mark H. Herrington (DOD), # 7 Declaration of Eric F. Stein (State), # 8 Exhibit 7 - January 16 2015 Letter from Sen. Feinstein, # 9 Rule 56.1 Statement) (Powell, Amy) (Entered: 04/19/2019)
04/19/2019	39	NOTICE by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence <i>NOTICE TO PRO SE LITIGANT, IN ACCORDANCE WITH LOCAL RULE 56.2</i> (Powell, Amy) (Entered: 04/19/2019)
06/04/2019	40	Letter MOTION for Sanctions <i>for Preservation Violation</i> by Douglas Cox. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E) (Cox, Douglas) (Entered: 06/04/2019)
06/05/2019		ELECTRONIC SCHEDULING ORDER re 40 Letter MOTION for Sanctions <i>for Preservation Violation</i> filed by Douglas Cox. This Court construes plaintiff's motion as a discovery motion within this Court's pretrial jurisdiction. Defendant Department of Defense must file its response by June 11, 2019. However, to the extent plaintiff ultimately requests spoliation sanctions, such a request is inextricably intertwined with the merits of the action and the pending summary judgment motion, and should be addressed to the District Judge in the first instance. Ordered by Chief Mag. Judge Roanne L. Mann on 6/5/2019. (Proujansky, Josh) Modified on 6/5/2019 (Proujansky, Josh). (Entered: 06/05/2019)
06/07/2019	41	Consent MOTION for Extension of Time to File Response/Reply as to 40 Letter MOTION for Sanctions <i>for Preservation Violation</i> , Scheduling Order,, by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 06/07/2019)
06/07/2019		ELECTRONIC ORDER granting, on consent, 41 Motion for Extension of Time to File. Defendants' response to 40 Letter MOTION for Sanctions must be filed by June 14, 2019. Ordered by Chief Mag. Judge Roanne L. Mann on 6/7/2019. (Proujansky, Josh) Modified on 6/7/2019 (Proujansky, Josh). (Entered: 06/07/2019)
06/14/2019	42	MEMORANDUM in Opposition re 40 Letter MOTION for Sanctions <i>for Preservation Violation</i> filed by All Defendants. (Attachments: # 1 Declaration of Mark H. Herrington (2nd)) (Powell, Amy) (Entered: 06/14/2019)
06/18/2019	43	Consent MOTION for Extension of Time to File Response/Reply as to 38 MOTION for Summary Judgment <i>and to Dismiss and to Revise the Briefing Schedule</i> by Douglas Cox. (Cox, Douglas) (Entered: 06/18/2019)
06/19/2019		ORDER: Plaintiff's motion for an extension of time, on consent (43), is granted, subject to the following modification. The parties' initial proposed briefing schedule (36) did not comport with this Court's Individual Rule III.B.5, which requires that no motion papers be filed until the motion has been fully briefed. Accordingly, the filing at 38 is hereby terminated, and the parties are directed to adhere to the following schedule: by July 12, 2019, plaintiff shall serve but not file his opposition and any cross-motions; by August 20, 2019, defendants shall serve but not file their reply and opposition, if any; and by September 20, 2019, plaintiff shall serve his reply, if any, and file the fully briefed motion or motions on the docket. Ordered by Judge Roslynn R. Mauskopf on 6/19/2019. (Pettig, Bruce) (Entered: 06/19/2019)
06/21/2019	44	MOTION for Leave to File Document <i>as a Reply to Defendants June 14, 2019, Opposition [Dkt. 42]</i> by Douglas Cox. (Cox, Douglas) (Entered: 06/21/2019)

06/21/2019		ELECTRONIC ORDER: Application 44 granted, without objection. Ordered by Chief Mag. Judge Roanne L. Mann on 6/21/2019. (Cardenas, Alex) (Entered: 06/21/2019)
06/24/2019	45	REPLY in Support re 40 Letter MOTION for Sanctions <i>for Preservation Violation</i> filed by Douglas Cox. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Cox, Douglas) (Entered: 06/24/2019)
07/03/2019	46	NOTICE of Change of Address (Powell, Amy) (Entered: 07/03/2019)
07/08/2019	47	MEMORANDUM AND ORDER: Terminating Motion for Sanctions 40 as moot. <u>See</u> attached for further discussion. Ordered by Chief Magistrate Judge Roanne L. Mann on 7/8/2019. (Cardenas, Alex) (Entered: 07/08/2019)
07/09/2019	48	Consent MOTION for Leave to File Excess Pages <i>for Plaintiff's Opposition to Defendants' Motion to Dismiss and Motion for Summary Judgment</i> by Douglas Cox. (Cox, Douglas) (Entered: 07/09/2019)
07/10/2019		ORDER: Plaintiff's request for leave to file excess pages, on consent (48), is granted. Plaintiff's opposition memorandum shall not exceed 40 pages in length. Ordered by Judge Roslynn R. Mauskopf on 7/10/2019. (Pettig, Bruce) (Entered: 07/10/2019)
08/15/2019	49	Consent MOTION for Extension of Time to File Response/Reply <i>in Support of Defendants' Motion to Dismiss and for Summary Judgment</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 08/15/2019)
08/16/2019		ORDER: Defendants' motion for an extension of time, on consent (49), is granted. By October 18, 2019, defendants shall serve their reply and supplemental declaration; by November 22, 2019, plaintiff shall serve his sur-reply and file the fully briefed motions on the docket. Ordered by Judge Roslynn R. Mauskopf on 8/16/2019. (Pettig, Bruce) (Entered: 08/16/2019)
10/17/2019	50	Consent MOTION for Leave to File Excess Pages by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 10/17/2019)
10/18/2019		ORDER: Defendants' request for leave to file excess pages (50), on consent, is granted. Defendants' reply shall not exceed 30 pages in length. Ordered by Judge Roslynn R. Mauskopf on 10/18/2019. (Walchak, David) (Entered: 10/18/2019)